

CHAPTER 202
SPECIAL INSPECTORS

[Prior to 1/14/98, see 347—Chs 41 to 49]

875—202.1(89) Commission. A special inspector shall obtain a commission from the labor commissioner. A commission shall be granted only to those persons holding a commission from the National Board. The commission is for no more than one year and ceases when the special inspector leaves employment with the insurance company, or when the commission is suspended or revoked by the labor commissioner. A person applying for a commission shall complete, sign, and submit to the division with the required fee the form entitled “Special Inspector Commission Application Boiler and Pressure Vessel Inspector” provided by the division. The special inspector shall notify the division at the time any of the information on the form or attachments changes. Additionally, the applicant shall submit a copy of the applicant’s National Board Inspectors Commission with an initial application and a copy of the applicant’s current National Board work card with each application. Each commission shall expire no later than June 30 of each year.

875—202.2(89) Denials. The labor commissioner may refuse to issue or renew a special inspector’s commission for failure to complete an application package or for any reason listed in rules 202.4(89) to 202.6(89).

875—202.3(89) Investigations. Investigations shall take place at the time and in the places the labor commissioner directs. The labor commissioner may investigate for any reasonable cause. The labor commissioner may conduct interviews and utilize other reasonable investigatory techniques. Investigations may be conducted without prior notice.

875—202.4(89) Reasons for probation. The labor commissioner may issue a notice of commission probation when an investigation reasonably reveals the special inspector filed inaccurate reports.

875—202.5(89,252J) Reasons for suspension. The labor commissioner may issue a notice of commission suspension when an investigation reasonably reveals the following:

1. The special inspector failed to submit and report inspections on a timely basis;
2. The special inspector abused special inspector’s authority;
3. The special inspector misrepresented self as a state inspector or a state employee;
4. The special inspector used commission authority for inappropriate personal gain;
5. The special inspector failed to follow the division’s rules for inspection of object repairs, alterations, construction, installation, or in-service inspection;
6. The special inspector committed numerous violations as described in rule 202.4(89);
7. The special inspector used fraud or deception to obtain or retain, or attempt to obtain or retain, a special inspector commission whether for one’s self or another;
8. The National Board revoked or suspended the special inspector’s work card;
9. The division received a certificate of noncompliance; or
10. The special inspector failed to take appropriate disciplinary actions against a subordinate special inspector who has committed repeated acts or omissions listed in paragraphs “1” to “8” of this rule.

875—202.6(89,252J) Reasons for revocation. The labor commissioner may issue a notice of revocation of a special inspector's commission when an investigation reveals any of the following:

1. The special inspector filed a misleading, false or fraudulent report;
2. The special inspector failed to perform a required inspection;
3. The special inspector failed to file a report or filed a report which was not in accordance with the provisions of applicable standards;
4. The special inspector failed to notify the division in writing of any accident involving an object;
5. The special inspector committed repeated violations as described in rule 202.5(89,252J);
6. The special inspector used fraud or deception to obtain or retain, or attempt to obtain or retain, a special inspector commission whether for one's self or another;
7. The special inspector instructed, ordered, or otherwise encouraged a subordinate special inspector to perform the acts or omissions listed in paragraphs "1" to "6" of this rule;
8. The National Board revoked or suspended the special inspector's work card; or
9. The division received a certificate of noncompliance.

875—202.7(89) Notice of actions. The labor commissioner shall serve a notice on the special inspector by certified mail to an address listed on the commission application form or by other service as permitted by Iowa Code chapter 17A. A copy shall be sent to the insurance company employing the special inspector.

875—202.8(89) Contested cases. The special inspector shall have 20 days to file a written notice of contest with the labor commissioner. If the special inspector does not file a written contest within 20 days of receipt of the notice, the action stated in the notice shall automatically be effective.

875—202.9(89) Hearing procedures. The hearing procedures in 347—Chapter 300 shall govern.

875—202.10(89) Emergency suspension. Pursuant to Iowa Code section 17A.18(3), if the labor commissioner finds that public health, safety or welfare imperatively requires emergency action because a special inspector failed to comply with applicable laws or regulations, the special inspector's commission may be summarily suspended.

875—202.11(89) Probation period. A special inspector may be placed on probation for a period not to exceed one year for each incident causing probation.

875—202.12(89) Suspension period. A special inspector's commission may be suspended up to five years for each incident causing a suspension.

875—202.13(89) Revocation period. A special inspector's commission which has been revoked shall not be reinstated for five years.

875—202.14(89,252J) Certificates of noncompliance. Rules 202.8(89) through 202.13(89) shall not apply in the event of revocation or suspension due to receipt of a certificate of noncompliance, and the procedures of Iowa Code section 252J.8 shall apply.

875—202.15(89) Concurrent actions. Multiple actions under rules 202.3(89) to 202.7(89) or 202.14(89,252J) may proceed at the same time against any special inspector.

These rules are intended to implement Iowa Code chapters 17A, 89, and 252J.

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